

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RASZELL REEDER,

Plaintiff,

-against-

JAMES HENDRICKS, et al.,

Defendants.

24-CV-8439 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is incarcerated at Midstate Correctional Facility in Marcy, New York, filed this action *pro se*. By order dated November 21, 2024, the Court dismissed the action under 28 U.S.C. § 1915(g). A civil judgment was entered on the same day. On December 9, 2024, the Court received Plaintiff's notice of appeal to the United States Court of Appeals for the Second Circuit and a motion for an extension to file a notice of appeal. (ECF 7.) Because the notice of appeal is timely, the motion for an extension of time is unnecessary. The Court therefore denies the motion.

**DISCUSSION**

Under Rule 4(a)(1)(A) of the Federal Rules of Appellate Procedure, a party must file a notice of appeal within 30 days of the entry date of the order or judgment being appealed. *See* Fed. R. App. P. 4(a)(1)(A). A party may move for an extension of time to file a notice of appeal, within 30 days after expiration of the deadline to file a notice of appeal. *See* Fed. R. App. P. 4(a)(5)(A)(i). Plaintiff had 30 days from the entry of judgment to file his notice of appeal, that is, until December 22, 2024. *See* Fed. R. App. P. 4(a)(1)(A). The Court received the notice of appeal on December 9, 2024. Plaintiff's notice of appeal is therefore timely, and the motion for an extension of time is unnecessary. The Court therefore denies the motion.

### CONCLUSION

The Court denies the motion for an extension of time to file a notice of appeal (ECF 9) because it is unnecessary. The Clerk of Court shall terminate the motion.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: January 7, 2025  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge